

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DAC

Applicant: Bhalakia et al.

Examiner: J. Schwartz

Serial No. 09/425,517

Group Art: 2873

Filed: 10/22/99

Docket No. 589.063US1

Title: PRODUCTION OF OPTICAL ELEMENTS

OFFICE OF PETITIONS
ASSISTANT COMMISSIONER FOR PATENTS
BOX DAC
WASHINGTON, D.C. 20231

12

**PETITION TO REVIVE AN UNAVOIDABLY ABANDONED APPLICATION
UNDER 37 C.F.R. 1.137(a) OR AN UNINTENTIONAL ABANDONMENT
UNDER 37 CFR 1.137(b)**

Attention:
Paralegal Specialist
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy
Washington, D.C. 20231

RECEIVED

JUN 06 2001

OFFICE OF PETITIONS

Dear Sir/Madam:

FACTUAL BACKGROUND

1) A Notice of Allowance and Issue Fee Due was mailed by the U.S. Patent and Trademark Office on January 8, 2001, with a due date for payment of the Issue Fee identified on the Notice of Allowance as April 9, 2001. In addition, there was an outstanding Notice from the draftsman that new Formal Drawings were needed (document dated December 27, 1999).

2) Attorney for Applicant signed the transmittal documents for the Payment of the Issue Fee, provided a transmittal cover sheet for transmittal of the documents, submitted the formal documents with a transmittal sheet to the draftsman, authorized payment of the issue fee in a separate document, and included a return postcard identifying all of these documents.

RECEIVED

JUL 25 2001

TECHNOLOGY CENTER 2800
SPECIAL PROGRAM CENTER



3) All documents described in paragraph 2) above were mailed with a certification of mailing under 37 C.F.R. 1.8 with a mailing date of March 15, 2001.

4) The return postcard was returned to Attorney for Applicants with a date of receipt in the U.S. Patent and Trademark Office of March 19, 2001, which date is consistent with the mailing date of March 15, 2001, as March 17 and March 18 were a Saturday and a Sunday, respectively, when the US Patent and Trademark Office was closed.

5) On May 23, 2001, the U.S. Patent and Trademark Office mailed a Notice of Abandonment on the Application, indicating that Applicant failed to timely pay the required Issue Fee.

6) As the documents included with this Petition clearly shows that all formalities for Issuance of this Application were timely performed by Attorney for Applicants and timely received by the U.S. Patent and Trademark Office, the Abandonment of this Application is clearly in error, was inadvertent and/or unintentional, **and was the result of error on the part of the U.S. Patent and Trademark Office, with no error or responsibility by Applicants or their counsel.**

7) applicants, through their Attorney of Record, hereby petition to have the Application issued as a U.S. Patent, and to have the Abandonment with drawn.

8) **There should be no fee imposed upon Applicants as the cause of the abandonment was without any fault on the part of Applicants or their Attorney of Record.**

IF ANY FEE IS DEEMED NECESSARY, APPLICANTS HEREBY AUTHORIZE SUCH FEE TO BE DEBITED AGAINST ATTORNEY'S DEPOSIT ACCOUNT NO. 50-1391.

The other required reply in this Application under the guidelines of 37 C.F.R. 1.37(b) constituted only the payment of the Issue Fee, and the submission of Formal Drawings, each of which was timely done as shown by the enclosed documents. As the issue fee has been paid already, the formal drawings have been submitted, and the substantive basis for this petition has been submitted, the Application should be urgently advanced to Issuance.

Applicants hereby petition to revive the application due to the fact that the delay in filing corrected formal drawings causing by the abandonment of the application was unintentional and/or inadvertent, and was the sole responsibility of the U.S. Patent and Trademark Office.

The contact person is invited to telephone Applicant's attorney (952) 832-9090 if necessary. **If necessary please charge any additional fees to Deposit Account No. 50-1391 for the petition for revive unintentional abandonment under 37 CFR 1.137(b).**


Respectfully submitted,

BHALAKIA et al.

By their Representatives,

Mark A. Litman & Associates, P.A.
York Business Center, Suite 205
3209 West 76th Street
Edina, MN 55435
(952) 832-9090

Date May 30, 2001

By 
Mark A. Litman
Reg. No. 26,390
(952) 932-9090


RECEIVED

JUN 06 2001

OFFICE OF PETITIONS

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to OFFICE OF PETITIONS, Assistant Commissioner of Patents, BOX DAC, Washington, D.C. 20231 on MAY 30, 2001.

Mark A. Litman
Name


Signature

Receipt is hereby acknowledged for the following in the U.S. Patent and Trademark Office

Applicant: Bhalakia et al. Examiner:
Serial No. 09/425,517 Group Art Unit: 2873
Filed: October 22, 1999 Docket No: 589.063US1
Title: PRODUCTION OF OPTICAL ELEMENTS

CONTENTS:

- ☒ Form PTOL-85B (1pg)
- ☒ Communication Re: Issue Fee Transmittal, with authorization to charge fee to Deposit Account No. 50-1391.
- ☒ Communication Re: Submission of Formal Drawings
- ☒ 3 Pages of Formal Drawings
- ☒ Transmittal Sheet
- ☒ Return postcard

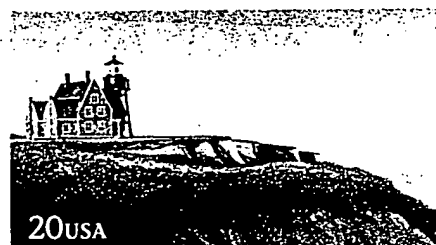


Date of Deposit: *March 15, 2001*

RECEIVED

JUN 06 2001

OFFICE OF PETITIONS



MARK A. LITMAN & ASSOCIATES, P.A.
YORK BUSINESS CENTER, SUITE 205
3209 WEST 76th ST.
EDINA, MN. 55435



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Bhalakia et al.

Examiner: J. Schwartz

Serial No. 09/425,517

Group Art Unit: 2873

Filed: October 22, 1999

Docket No. 589.063US1

Title: PRODUCTION OF OPTICAL ELEMENTS

COMMUNICATION RE: SUBMISSION OF FORMAL DRAWINGS

Attn: OFFICIAL DRAFTSMAN
Assistant Commissioner for Patents
Washington, D.C. 20231

In response to the requirement for formal drawings made in the Notice of Allowance mailed January 8, 2001, enclosed are 3 sheets of formal drawings for the above-identified application.

The Examiner is invited to contact Applicant's Representatives, at the below-listed telephone number, if any further changes need to be made to the enclosed drawings. Authorization is hereby given to charge any fees that are owed for the submission of these drawings to Deposit Account Number 50-1391.

Respectfully submitted,

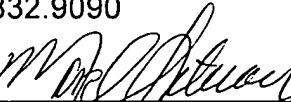
SUJAL BHALAKIA et al.

By their Representatives,

Mark A. Litman & Associates, P.A.
York Business Center, Suite 205
3209 West 76th Street
Edina, MN 55435
(952)832.9090

Date: March 15, 2001

By



Mark A. Litman
Reg. No. 26,390


RECEIVED

JUN 06 2001

OFFICE OF PETITIONS

CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described herein, are being deposited in the United States Postal Service, as first class mail, with sufficient postage, in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on March 15, 2001.

Mark A. Litman


Signature

Receipt is hereby acknowledged for the following in the U.S. Patent and Trademark Office

Applicant:	Bhalakia et al.	Examiner:	
Serial No.	09/425,517	Group Art Unit:	2873
Filed:	October 22, 1999	Docket No..	589.063US1
Title:	PRODUCTION OF OPTICAL ELEMENTS		

CONTENTS:

- ☒ Form PTOL-85B (1pg)
- ☒ Communication Re: Issue Fee Transmittal, with authorization to charge fee to Deposit Account No. 50-1391.
- ☒ Communication Re: Submission of Formal Drawings
- ☒ 3 Pages of Formal Drawings
- ☒ Transmittal Sheet
- ☒ Return postcard

Date of Deposit: *March 15, 2001*

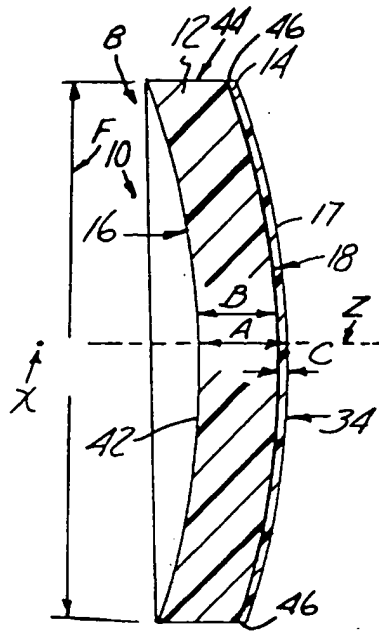


Fig. 1

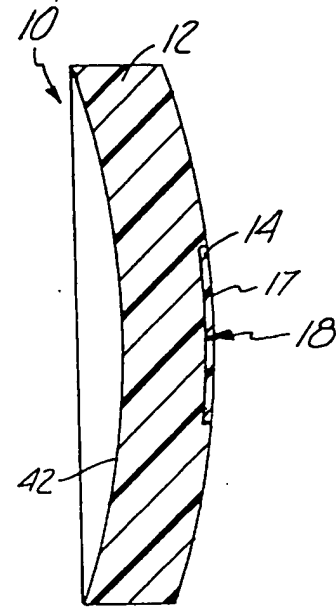


Fig. 2

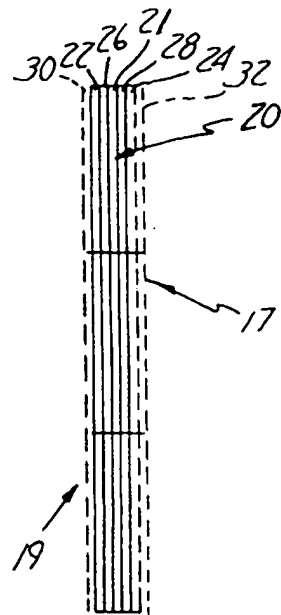


Fig. 3

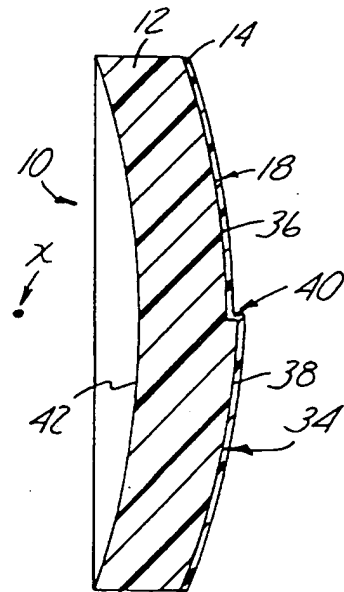
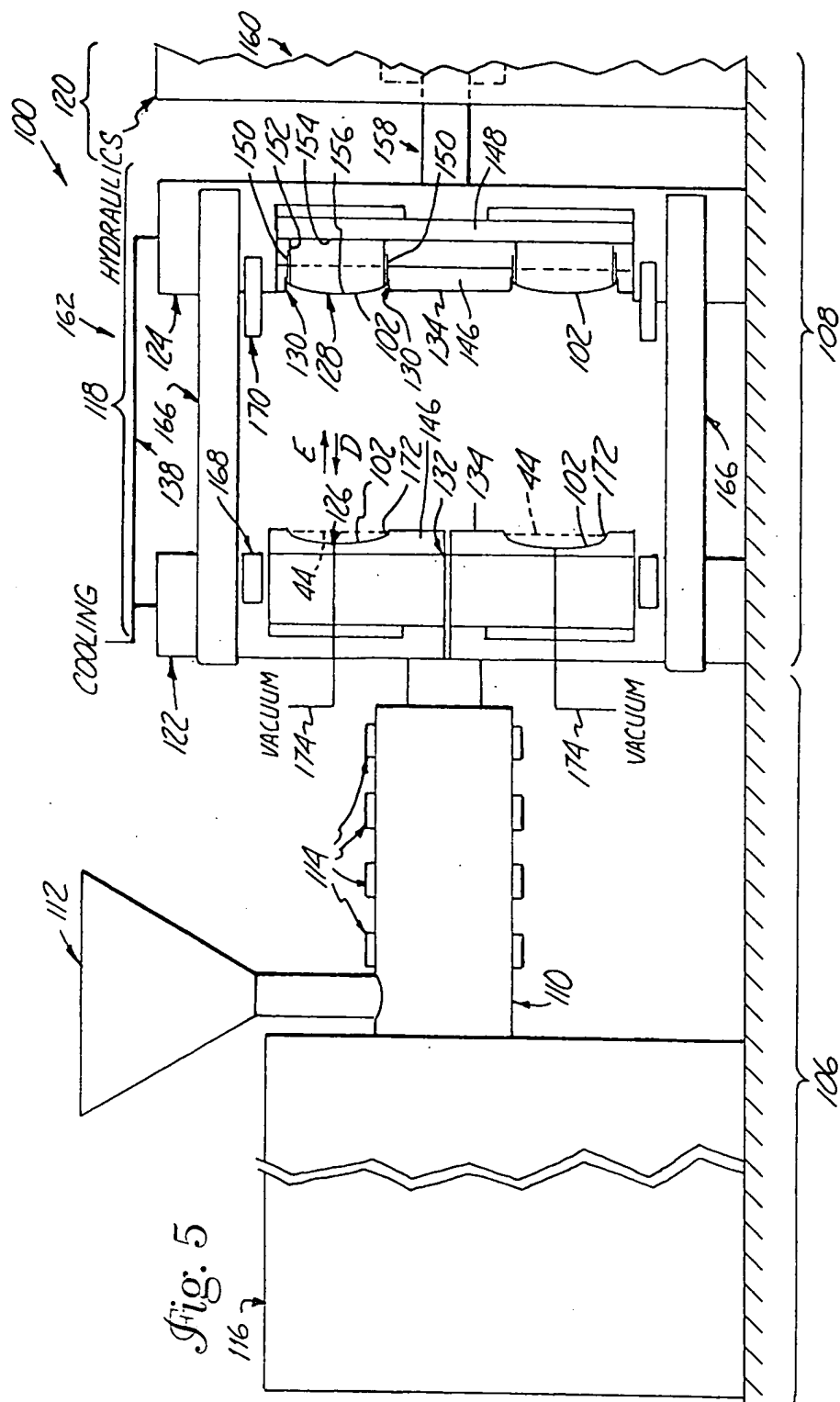
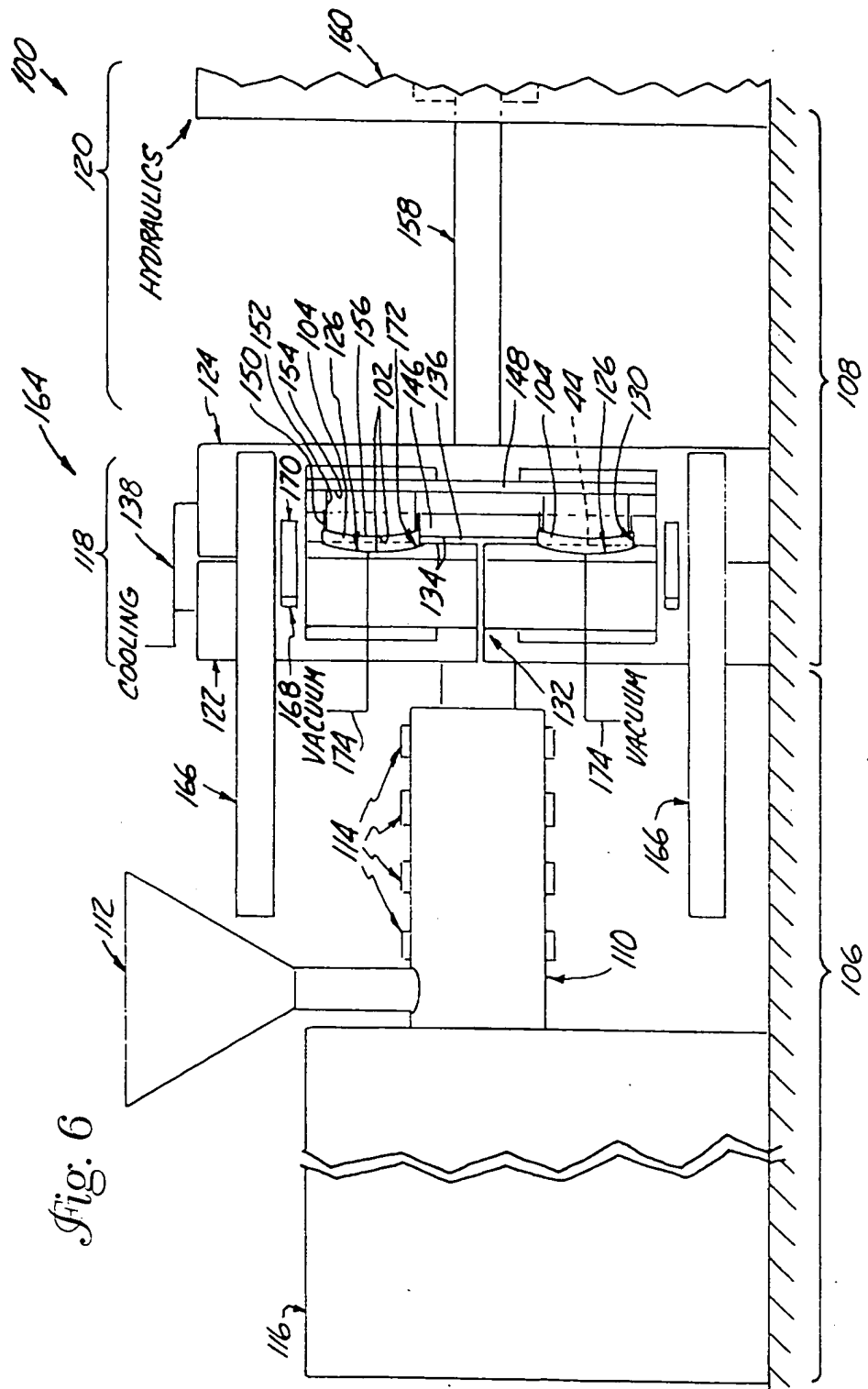


Fig. 4





IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Bhalakia et al.

Examiner: J .Schwartz

Serial No. 09/425,517

Group Art Unit: 2873

Filed: October 22, 1999

Docket No. 589.063US1

Title: PRODUCTION OF OPTICAL ELEMENTS

Box Issue Fee
Assistant Commissioner for Patents
Washington, D.C. 20231

The following documents are being submitted:


- ☒ Form PTOL-85B (1pg)
- ☒ Communication Re; Issue Fee Transmittal, with authorization to charge fee to Deposit Account No. 50-1391
- ☒ Communication Re: Submission of Formal Drawings
- ☒ 3 pages of Formal Drawings
- ☒ Transmittal Sheet
- ☒ Return postcard

RECEIVED

JUN 0 6 2001


OFFICE OF PETITIONS

MARK A. LITMAN & ASSOCIATES, P.A.
York Business Center, Suite 205, 3209 W. 76th St.
Edina, MN 55402 (952-832-9090)

By: 
Atty: Mark A. Litman
Reg. No. 26,390

CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described herein, are being deposited in the United States Postal Service, as first class mail, with sufficient postage, in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on March 15, 2001.

Julie E. Erlandson
Name


Signature

IN THE UNITED STATES PATENT AND TRADE MARK OFFICE

Applicant: Bhalakia et al.

Examiner: J. Schwartz

Serial No. 09/425,517

Group Art Unit: 2873

Filed: October 22, 1999

Docket No. 589.063US1

Title: PRODUCTION OF OPTICAL ELEMENTS

COMMUNICATION RE: ISSUE FEE TRANSMITTAL

Box Issue Fee
Assistant Commissioner for Patents
Washington, D.C. 20231

In response to the "Notice of Allowance and Issue Fee Due", dated January 8, 2001 (see enclosed copy), we submit the signed Issue Fee Transmittal along with the authorization to charge Deposit Account Number 50-1391 for \$1270.00 to cover the issue fee and patent order.

Applicant assumes the application is now in proper order and in condition for issuance. Please direct any inquiries to the undersigned attorney at (952) 832-9090.

RECEIVED

JUN 06 2001

OFFICE OF PETITIONS

Respectfully submitted,

SUJAL BHALAKIA et al.

By their Representatives,

MARK A. LITMAN & ASSOCIATES, P.A.
York Business Center, Suite 205
3209 West 76th Street
Edina, Minnesota 55435
(952) 832-9090


Date: 15 MARCH 2001

By: 

Mark A. Litman
Reg. No. 26,390

CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this Letter is being deposited in the United States Postal Service, as first class mail, with sufficient postage, in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on March 15, 2001.

Mark A. Litman
Name


Signature



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/426,517 10/22/99 BHALAKIA

S 509,063'US1'

MM91/0108
MARK A. LITMAN & ASSOCIATES, P.A.
YORK BUSINESS CENTER, SUITE 205
3209 WEST 76TH ST.
EDINA MN 55435

EXAMINER

REMARKS
ART UNIT PAPER NUMBER

2870
DATE MAILED:

01/08/01

D✓ 4/9/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

RECEIVED

JUN 0 6 2001

OFFICE OF PETITIONS

received
7/16/01



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
--------------------	-------------	-----------------------	---------------------

09/435,917 10/22/99 BHALAXIA

589-063001

7542/0520
MARK A. LITMAN & ASSOCIATES, P.A.
YORK BUSINESS CENTER, SUITE 205
3209 WEST 76TH ST.
EDINA MN 55435

EXAMINER

SCHWARTZ, J

ART UNIT	PAPER NUMBER
----------	--------------

2873

11

DATE MAILED: 05/27/01

RECEIVED

JUN 06 2001

OFFICE OF PETITIONS

NOTICE OF ABANDONMENT

This application is abandoned in view of:

- ☐ Applicant's failure to timely file a proper response to the Office letter mailed on _____.
- ☐ A response (with a Certificate of Mailing or Transmission of _____) was received on _____, which is after the expiration of the period for response (including a total extension of time of _____ month(s)) which expired on _____.
- ☐ A proposed response was received on _____, but it does not constitute a proper response to the final rejection.
- (A proper response to a final rejection consists only of: a timely filed amendment which places the application in condition for allowance; a Notice of Appeal; or the filing of a continuing application under 37 CFR 1.62 (FWC).)
- ☐ No response has been received.
- ☒ Applicant's failure to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance.
- ☐ The issue fee (with a Certificate of Mailing or Transmission of _____) was received on _____.
- ☐ The submitted issue fee of \$ _____ is insufficient. The issue fee required by 37 CFR 1.18 is \$ _____.
- ☒ The issue fee has not been received.
- ☐ Applicant's failure to timely file new formal drawings as required in the Notice of Allowability.
- ☐ Proposed new formal drawings (with a Certificate of Mailing or Transmission of _____) were received on _____.
- ☐ The proposed new formal drawings filed _____ are not acceptable.
- ☐ No proposed new formal drawings have been received.
- ☐ The express abandonment under 37 CFR 1.62(g) in favor of the FWC application filed on _____.
- ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
- ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a) upon the filing of a continuing application.
- ☐ The decision by the Board of Patent Appeals and Interferences rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- ☐ The reason(s) below:

received
5/29/01 AM

ABANDONMENT
CONTACT PERSON IS:
TOM HAWKINS
305-8880

PART B—ISSUE FEE TRANSMITTAL

Complete and mail this form, together with app. fees, to:

Box ISSUE FEE
Assistant Commissioner for Patents
Washington, D.C. 20231

JUN 04 2001

MAILING INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE. Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Issue Fee Receipt, the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Legibly mark-up with any corrections or use Block 1)

MARK A. LITMAN & ASSOCIATES, P.A.
TOWN BUSINESS CENTER, SUITE 205
3209 WEST 76TH ST.
EDINA MN 55435

Note: The certificate of mailing below can only be used for domestic mailings of the Issue Fee Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing.

Certificate of Mailing

I hereby certify that this Issue Fee Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Box Issue Fee address above on the date indicated below.

Mark A. Litman

(Depositor's name)

Mark A. Litman

(Signature)

March 15, 2001

(Date)

APPLICATION NO.

FILING DATE

TOTAL CLAIMS

EXAMINER AND GROUP ART UNIT

DATE MAILED

09/425,517

10/22/99

030

SCHWARTZ, J

2873

01/08/01

First Named Applicant

BHALAKIA,

35 USC 154(b) term ext. = 0 Days.

TITLE OF INVENTION PRODUCTION OF OPTICAL ELEMENTS

03/10/2001 EXAMINER: [illegible]

US PTO # [illegible]
US PTO # [illegible]US PTO # [illegible]
US PTO # [illegible]

ATTY'S DOCKET NO.

CLASS-SUBCLASS

BATCH NO.

APPLN. TYPE

SMALL ENTITY

FEE DUE

DATE DUE

1

589.063US1

351-163.000

ABS

UTILITY

NO

\$1240.00

04/09/01

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363). Use of PTO form(s) and Customer Number are recommended, but not required.

Change of correspondence address (or Change of Correspondence Address form PTO/SB-122) attached.

"Fee Address" indication (or "Fee Address" Indication form PTO/SB-47) attached.

2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1. MARK A. LITMAN & ASSOC.

2. MARK A. LITMAN

3. _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)
PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the PTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE Vision-Ease Lens, Inc.

(B) RESIDENCE (CITY & STATE OR COUNTRY) Ramsey, Minnesota USA

Please check the appropriate assignee category indicated below (will not be printed on the patent)

individual

☒ corporation or other private group entity

government

4a. The following fees are enclosed (make check payable to Commissioner of Patents and Trademarks):

Issue Fee

Advance Order - # of Copies _____

4b. The following fees or deficiency in these fees should be charged to:

DEPOSIT ACCOUNT NUMBER 50-1391
(ENCLOSE AN EXTRA COPY OF THIS FORM!)☒ Issue Fee☒ Advance Order - # of Copies 10

The COMMISSIONER OF PATENTS AND TRADEMARKS IS requested to apply the Issue Fee to the application identified above.

Authorized Signatory

(Date)

NOTE: The Issue Fee will not be accepted from anyone other than the applicant, a registered attorney or agent, or the assignee or other party, in interest as shown by the records of the Patent and Trademark Office.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending on the needs of the individual case. Any comments on the amount of time required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND FEES AND THIS FORM TO: Box Issue Fee, Assistant Commissioner for Patents, Washington D.C. 20231

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

RECEIVED

JUN 06 2001

OFFICE OF PETITIONS

TRANSMIT THIS FORM WITH FEE



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

RECEIVED

JUN 06 2001

OFFICE OF PETITIONS

NOTICE OF ALLOWANCE AND ISSUE FEE DUE

MM91/0108

MARK A. LITMAN & ASSOCIATES, P.A.
YORK BUSINESS CENTER, SUITE 205
3209 WEST 76TH ST.
EDINA MN 55435

Mark A Litman

March 13, 2001

APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
09/425,517	10/22/99	030	SCHWARTZ, J	2873 01/08/01
First Named Applicant	BHALAKIA,	35 USC 154(b) Term. ext. =	0 Days.	
TITLE OF INVENTION	PRODUCTION OF OPTICAL ELEMENTS			

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEE DUE	DATE DUE
1	589.063US1	351-163.000	A35	UTILITY	NO	\$1240.00 04/09/01

MARK A. LITMAN: 1926

MARK A. LITMAN

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED.

THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.

HOW TO RESPOND TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status: *Yes*

- A. If the status is changed, pay twice the amount of the FEE DUE shown above and notify the Patent and Trademark Office of the change in status, or
- B. If the status is the same, pay the FEE DUE shown above.

If the SMALL ENTITY is shown as NO:

A. Pay FEE DUE shown above, or

B. File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.

62 1371

10

1/10/01

ii. Part B-Issue Fee Transmittal should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B Issue Fee Transmittal should be completed and returned. If you are charging the ISSUE FEE to your deposit account, section "4b" of Part B-Issue Fee Transmittal should be completed and an extra copy of the form should be submitted.

iii. All communications regarding this application must give application number and batch number. Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

YOUR COPY